

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-36 are presently active in this case, Claims 1, 2, 10-13, 21-24, and 32-36 having been amended by way of the present Amendment.

Claims 10, 11, 21, 22, 32, and 33 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 10, 11, 21, 22, 32, and 33 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims, and thus the Applicant submits that Claims 10, 11, 21, 22, 32, and 33 are in condition for allowance.

In the outstanding Official Action, the title of the invention was objected to as not being descriptive. The title has been changed to DIGITAL CAMERA HAVING A DISPLAY DEVICE WITH A COVER. Accordingly, the Applicant requests the withdrawal of the objection to the title.

Claims 34-36 were objected to for a minor informality. The Applicant respectfully traverses this objection. The Applicant submits that the language recited in Claims 34-36 matches the language used in the specification in the last paragraph on page 14. The specification describes the camera body depicted in Figure 7 as having a photographic optical system (3) oriented on a "front" of the camera body (1) when the display screen (10) is oriented on a "top" of the camera body (1). This description matches the language recited in Claims 34-36. Accordingly, the Applicant respectfully requests the withdrawal of the objection to Claims 34-36.

Application Serial No.: 09/536,022
Reply to Office Action dated November 19, 2003

Claims 1, 2, 4-8, 12, 13, 15-19, 23, 24, 26-30, and 34-36 were rejected under 35 U.S.C. 102(b) as being anticipated by Akihiro (JP 11-160775). Claims 3, 14, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Akihiro in view of Yokoda (U.S. Patent No. 5,892,996). For the reasons discussed below, the Applicant requests the withdrawal of the art rejections.

In the Office Action, the Akihiro reference is indicated as anticipating each of Claims 1, 12, 23, and 34-36. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Akihiro reference clearly does not meet each and every limitation of the amended independent Claims 1, 12, 23, and 34-36.

Claims 1 and 34 of the present application recite a digital camera comprising, among other features, a first cover device configured to cover a display device, where the first cover device includes a cover member that is generally planar. Claims 12 and 35 recite a digital camera comprising, among other features, means for covering the display device, where the means for covering the display device includes a cover member that is generally planar. Claims 23 and 36 recite a method for protecting a digital camera comprising the step of covering the display device with a first cover device, where the first cover device includes a cover member that is generally planar. (The claim amendments are supported by the disclosure in the specification, for example, in Figures 2, 4, 6, and 7, page 13, lines 4-10, and page 14, lines 8-14.)

The Akihiro reference depicts a camera apparatus having a camera main body (1) with a liquid crystal display panel (8) for displaying a photographic image. The camera apparatus includes a cover member (2) assembled to slide with respect to the main body and having a part covering over the display panel (8). The cover member (2) is provided with a battery housing part (9) configured to house a battery (B). The cover member (2) has a U-shaped horizontal cross-section (as depicted in Figure 4) and a U-shaped vertical cross-section (as depicted in Figure 5).

The Applicant submits that the Akihiro reference does not disclose a cover member that is generally planar as recited in Claims 1, 12, 23, and 34-36 of the present application. As discussed above, the cover member (2) of the Akihiro reference is not generally planar, but rather the cover member (2) is shaped such that it has a U-shaped horizontal cross-section and a U-shaped vertical cross-section. The cover member (2) wraps from the front to the rear of the camera main body (1). In fact, the cover member (2) of the Akihiro reference could not be a generally planar member, since such a configuration would be contrary to an objective of the cover member (2), which includes providing a battery housing part (9).

Accordingly, the Applicant respectfully requests the withdrawal of the anticipation rejections of Claims 1, 12, 23, and 34-36.

Claims 2-9 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 1.

Claims 13-20 are considered allowable for the reasons advanced for Claim 12 from which they depend. These claims are further considered allowable as they recite other

Application Serial No.: 09/536,022
Reply to Office Action dated November 19, 2003

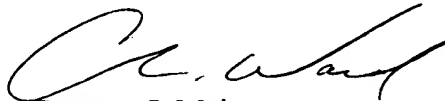
features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 12.

Claims 24-31 are considered allowable for the reasons advanced for Claim 23 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 23.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

GJM:CDW:brf
I:\atty\cdw\0557\0557 4901\am1.doc